

ESTTA Tracking number: **ESTTA56117**

Filing date: **12/05/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding.</b>	91160810
<b>Applicant</b>	Plaintiff The Mentholatum Company  ,
<b>Other Party</b>	Defendant TherOx, Inc. TherOx, Inc. 2400 Michelson Drive Irvine, CA 926121310

### **Motion for an Extension of Discovery or Trial Periods With Consent**

The Close of Plaintiff's Trial Period is currently set to close on 12/30/2005. The Mentholatum Company requests that such date be extended for 60 days, or until 02/28/2006, and that all subsequent dates be reset accordingly. The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

The Mentholatum Company has secured the express consent of all other parties to this proceeding for the extension requested herein.

The Mentholatum Company has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

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12/05/2005